

HOUSE BILL REPORT

HB 2477

As Passed Legislature

Title: An act relating to technical changes to election laws.

Brief Description: Making technical changes to election laws.

Sponsors: By Representatives Green, Nixon, Haigh, Hunt, Moeller and Rodne; by request of Secretary of State.

Brief History:

Committee Activity:

State Government Operations & Accountability: 1/13/06, 1/20/06 [DP].

Floor Activity:

Passed House: 2/8/06, 96-0.

Passed Senate: 3/3/06, 48-0.

Passed Legislature.

Brief Summary of Bill

- Makes technical changes to election laws, including moving a requirement related to signature verification from the general election laws provision to the Secretary of State's rule making authority section; renaming a filing fee petition to avoid confusion; removing "out-of-state" voters from the statute that implements the Uniformed and Overseas Citizens Absentee Voting Act requirements; and repealing duplicate and superfluous statutes.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass. Signed by 8 members: Representatives Haigh, Chair; Green, Vice Chair; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Kathryn Leathers (786-7114).

Background:

Signature Verification Procedures

The Secretary of State (Secretary) is required to establish guidelines, in consultation with state and local law enforcement or certified document examiners, for election-related signature verification processes. The statute establishing this duty further provides that all election

personnel assigned to verify signatures must receive training on the guidelines established by the Secretary. These requirements are codified within the administrative provisions of the general election laws.

Renaming of a Filing Fee Petition

In general, a candidate for office must submit a filing fee with his or her declaration of candidacy. If a candidate lacks sufficient funds at the time of filing to pay the filing fee, the candidate must submit along with his or her declaration of candidacy, a "nominating petition" containing the signatures of registered voters at least equal in number to that of the amount of the filing fee. The term "nominating petition" is also used in Washington's election laws to refer to the petition for nominating minor party or independent candidates at a minor party or independent candidate convention.

The Uniformed and Overseas Citizens Absentee Voting Act

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) applies to active members of the military, members of the merchant marines, their eligible families, and U.S. citizens residing outside of the U.S. The UOCAVA requires that all states allow such persons, when absent from their state of residency, to vote by absentee ballot in general, special, primary, and runoff elections for federal offices. This federal law does not apply to individuals who are not active military or their eligible dependents, but have moved from the person's state of residency to another state (also referred to as out-of-state voters).

Washington's statute implementing the UOCAVA requirements provides assistance to all UOCAVA voters as well as out-of-state voters.

Other Technical Changes

Significant changes have been made to Washington's primary election laws in recent years. Those significant changes include:

- In 2003, the Ninth Circuit Court of Appeals held that Washington's blanket primary system, in place since 1935, was unconstitutional because it violated political parties' right of free association.
- In 2004, the voters approved Initiative 872 (I-872, or "top two" primary election initiative).
- In 2004, the Legislature enacted a primary election bill, which provided for two alternative primary election systems in the event that I-872 was invalidated.
- In 2005, the United States District Court held I-872 to be unconstitutional because it violates the parties' right to free association.

As a result of these primary election law changes, several laws now appear twice in statute.

In other cases not necessarily related to the changes in the primary election laws, some narrowly crafted laws also fall within the broader language of other laws. For example, the prohibition against interfering in any way with a voter within the disability access voting location, RCW 29A.46.140, is included in the broader prohibition against interfering with a voter in any way within the polling place, RCW 29A.44.010.

Finally, the Secretary is required to maintain a statewide voter registration data base. The data base is designed to provide, among other things, up-to-date signatures of voters for the purpose of initiative signature checking. The new voter registration database has been in effect since January 1, 2006. Under a previously enacted statute, the Secretary is required to maintain voter signature cards for the purpose of checking initiative and referendum signatures. As a result, the Secretary is currently required to maintain voter signatures in two different formats, both electronically, in the voter registration data base, and in hard copy, in signature cards.

Summary of Bill:

Signature Verification Procedures

The language requiring the Secretary of State (Secretary) to establish guidelines for signature verification processes is removed from the general administrative election law provisions, and similar language is added to the Secretary's rule making authority statute. The language added to the Secretary's rule making authority statute is modified from a general requirement that guidelines be established to a requirement that rules be established for "standards for the verification of signatures on absentee, mail, and provisional ballot envelopes."

The language requiring that all election personnel assigned to verify signatures be trained on the guidelines is removed from the general provisions, and is added to the section addressing the processing of incoming ballots in the chapter on absentee voting.

Renaming of Filing Fee Petition

The name of the petition that must accompany a candidate's declaration of candidacy if he or she lacks the funds to pay the filing fee is changed from "nominating" petition to "filing fee" petition.

The Uniformed and Overseas Citizens Absentee Voting Act

Out-of-state voters are removed from the statute implementing UOCAVA requirements.

Other technical changes

The following election laws are repealed:

29A.04.157 (September primary)

29A.04.610 (Rules by Secretary of State)

29A.20.110 (Definitions -- "Convention" and "election jurisdiction")

29A.20.130 (Convention -- Notice)

29A.20.200 (Declarations of candidacy required, exceptions -- Payment of fees)

29A.24.200 (Lapse of election when no filing for single positions -- Effect)

29A.28.010 (Major party ticket)

29A.28.020 (Death or disqualification -- Correcting ballots -- Counting votes already cast)

29A.36.190 (Partisan candidates qualified for general election)

29A.44.220 (Casting vote)

29A.46.140 (Interference, assistance)

29A.46.150 (Prohibitions -- Penalty)
29A.46.210 (Procedures for voting)
29A.46.220 (Opening and closing locations)
29A.46.230 (Voters in location at closing time)
29A.46.240 (Procedures after closing)
29A.46.250 (Handling of ballots after closing)
29A.72.220 (Petitions -- Signature checking -- Registration information file)

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This is a very technical bill. The Secretary of State is required to implement signature verification standards, which is done through the rule making process. The Secretary of State is asking that this requirement be put in the rule making authority statute. The requirement that personnel be trained on these standards should be moved to the statutes on absentee and mail voting. The name of the petition in lieu of a candidate's filing fee has been confused with the nominating petition for minor party candidates, which is why the name of the petition should be changed. The UOCAVA envelopes are printed by the Secretary of State, but the postage is paid by the federal government because it's a federal program. This federal program does not include out of state voters, but they are included in state law. Washington cannot expand the federal law to include out of state voters, and they should be removed from the statute. As for the laws that are being repealed: In 2004, the Legislature enacted a new form of primary, with two complete and different primaries included in one bill. When Governor Locke vetoed the top-two primary, he also vetoed a repealer that was in the bill. As a result, those sections remained in law, but they duplicate other existing statutes and should be repealed.

Testimony Against: None.

Persons Testifying: Katie Blinn, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.